

REMARKS

Initially, Applicant respectfully acknowledge that the Examiner has objected to claims 33, 34, and 36-43 and has indicated that claims 33, 34, and 36-43 would be allowable if rewritten in independent form including all the limitations of the base claims and any intervening claims.

Claims 17, 19-27 and 29-43 remain pending in the application.

Reconsideration of the rejection and allowance of the pending application in view of the foregoing amendments and following remarks is respectfully requested.

In the Office Action, claims 17, 19-27, 29-32 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Watanabe, U.S. Patent No. 5,448,988. This rejection is respectfully traversed. The Examiner has asserted that with regard to claim 18 the intermediate portion shown in Fig. 3 of Watanabe forms a step, and with regard to claim 24 the intermediate portion forms a varying part in which the physical and/or chemical property of the layer gradually varies over a step.

In response, independent claim 17 has been amended to more clearly distinguish over the applied prior art reference by further reciting that within the thickness-varying region the thickness of the layer varies in multiple steps, and independent claims 24 and 30 have also been amended to more clearly distinguish over the applied prior art reference by further reciting the above-noted features of amended claim 17 with somewhat different language. No new matter is introduced by the present amendment. In this regard, the Examiner's attention is directed to, inter alia,

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descriptions of example 2c, example 3a and example 3b (Figure 10) of Applicants' application.

The Watanabe reference cited to support the rejection under 35 U.S.C. § 102(b) does not disclose such a combination of features, in particular, that within the thickness-varying region the thickness of the layer varies in multiple steps. Since a flexible tube for an endoscope disclosed in Watanabe has only one part varying a thickness or property in its longitudinal direction, the flexible tube cannot have the above-noted property of the presently claimed embodiment.

In contrast, in the presently claimed embodiment, at least one layer constituting a laminate structure has at least two parts varying a thickness or property in its longitudinal direction. Therefore, a flexible tube for an endoscope can be provided with at least three regions having different properties in its longitudinal direction so as to have an excellent property in insertion operation, as well as resistance to chemicals and durability. Such structure is neither taught nor suggested by Watanabe.

Thus, Watanabe does not disclose each and every feature recited in claim 17, 24 or 30 and thus cannot anticipate independent claims 17, 24 or 30 of the present application.

Independent claims 17, 24 and 30 are now in condition for allowance in view of the above-noted remarks. Claims 19-23, 25-29 and 31-43 dependent thereon respectively are also submitted to be in condition for allowance in view of their dependence from the allowable base claims and also at least based upon their

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recitations of additional features of the disclosed embodiments. It is respectfully requested, therefore, that the rejections of claims 17, 19-27, 29-32 and 35 under 35 U.S.C. 102(b) be withdrawn and that an early indication of the allowance thereof be given.

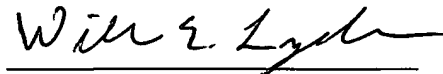
Based on the above, it is respectfully submitted that this application is now in condition Applicants recognize that there is no right to entry of the above identified amendment.

Applicant recognizes that there is no right to entry of the above identified amendment. Nevertheless, Applicant notes that the above amendment clearly places the application in condition for allowance, does not require further consideration or search, and does not introduce any prohibited new matter. Thus, the Examiner is respectfully requested to enter the amendment and provide an early indication of allowance of the application.

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Should the Examiner have any questions or comments regarding this response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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